

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
METROPOLITAN EDISON COMPANY,) Docket No. 50-289
) (Restart)
(Three Mile Island Nuclear)
Station, Unit No. 1)

COMMONWEALTH OF PENNSYLVANIA'S RESPONSE
TO DECEMBER 1, 1980, LETTER FROM
HERMAN DIECKAMP TO HON. JOHN F. AHEARNE

The purpose of this correspondence is to respond to General Public Utilities Corporation's request that the Commission reconsider and modify its Orders of July 2, 1979, and August 9, 1979, regarding the status of Three Mile Island Unit 1 (Letter from Mr. Herman Dieckamp, President, General Public Utilities Corp. to Hon. John F. Ahearne, Chairman, U.S. Nuclear Regulatory Commission, December 1, 1980).

The Commonwealth's underlying position with respect to the restart of Unit 1 was stated in the June 22, 1979, letter from Governor Dick Thornburgh to Chairman Joseph M. Hendrie, which identified a number of serious concerns that should be addressed prior to restart. A copy of this letter is attached. However, we are also concerned with the slow pace of the hearings and the resulting costs imposed on both the utility and the ratepayers in Central Pennsylvania. To this end, all efforts should be taken to expedite the hearing process consistent with a full and fair adjudication of the issues raised in both the Governor's June 22, 1979, correspondence and the Commission's August 9, 1979, Order and Notice of Hearing.

At the time the TMI-1 Restart Proceeding was ordered, the number

of intervening parties, the number and complexity of admissible contentions, and the full extent and ramifications of post TMI-2 design modifications could not be predicted. All of these factors have contributed significantly to the length of the proceedings. Yet the Atomic Safety and Licensing Board has performed admirably in keeping delay to a minimum; and the Commission built sufficient flexibility into the August 9, 1979, Order and Notice of Hearing to proceed in a more expeditious fashion consistent with the proper resolution of all issues important to restart.

In particular, the Commission noted that:

"[t]he Atomic Safety and Licensing Board designated to conduct this proceeding should give priority to consideration of those issues which are related directly to suspension of operation. To the extent feasible, the Board should defer full review of the issues related to the longer-term actions until after the rendering of a partial initial decision regarding the suspension-related issues."

Slip op. at 2. The Commission defined with considerable specificity those issues it considered critical to restart, id. at 3-7, along with an appropriate explanation of the unique relationship of these issues to TMI-1. Id. at 4-5. Additional concerns were raised in the Commission's March 9, 1980, Order on management issues. Further, the Commission included as a subject to be considered at the hearing:

"Whether the 'short term actions' recommended by the Director of Nuclear Reactor Regulation (set forth in Section II of this Order) are necessary and sufficient to provide reasonable assurance that the Three Mile Island Unit 1 facility can be operated without endangering the health and safety of the public, and should be required before resumption of operation should be permitted."

Id. at 12. This latter provision recognizes the potential existence of

unresolved safety issues in addition to those identified by the NRC staff, and should be adequate to determine the full scope of actions necessary before the plant can be operated safely in the short-term.

Clearly distinguished from the above-referenced issues were the Commission's "additional concerns, which, though they need not be resolved prior to resumption of operation at Three Mile Island Unit 1, must be satisfactorily addressed in a timely matter." Id. at 7.

Parallel to this set of concerns was the consideration of:

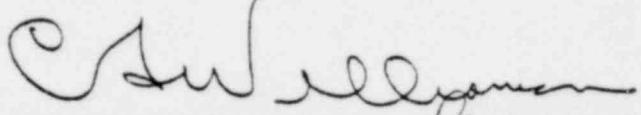
"Whether the 'long-term actions' recommended by the Director of Nuclear Reactor Regulation (set forth in Section II of this Order) are necessary and sufficient to provide reasonable assurance that the facility can be operated for the long term without endangering the health and safety of the public, and should be required of the licensee as soon as practicable."

Id. at 12. These issues, although important in the long range, can be viewed as less critical to the initial restart decision.

In sum, the Commonwealth believes that it is possible to consider expediting those issues critical to restart in a full and fair manner within the bounds of the August 9, 1979, Order. As the Commission noted, the "primary commitment is to a fair and thorough hearing and decision. Given this overriding imperative, it is the Commission's expectation that the Board will conduct the proceeding expeditiously." It should be noted that the Licensee is not in any case in a position to restart Unit 1 immediately. Completion of all of the necessary remaining modifications will take at least several months. Therefore, consideration of the key safety issues in the hearing context should not delay the actual date of restart to a significant degree. The Atomic Safety and Licensing Board has already accelerated its use of procedural modifications to expedite the hearings, for example by sanctioning informal discovery. Continued

efforts to expedite the proceedings will receive the full support of
the Commonwealth of Pennsylvania.

Respectfully submitted,



DeWitt C. Smith, Jr.
Director
Pennsylvania Emergency Management Agency

Dated: January 6, 1981

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FOR IMMEDIATE RELEASE
611-079

GOVERNOR'S PRESS OFFICE
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HARRISBURG (June 22) -- Gov. Dick Thornburgh this morning sent the following letter to Chairman Hendrie:

June 22, 1979

The Honorable Joseph M. Hendrie
Chairman
United States Nuclear Regulatory
Commission
Washington, D.C. 20555

Dear Mr. Chairman:

It has come to my attention through recent press accounts that officials of the General Public Utilities Corporation, parent company of Metropolitan Edison Company, intend to seek permission to resume operation of Unit 1 of the Three Mile Island nuclear facility near Middletown, Pa.

Although you indicated in your May 25 letter to me that there are no plans to reactivate Unit 1 in the near future, I understand from these accounts and from our own Commonwealth officials that informal discussions of this prospect have already commenced.

Mr. Chairman, I must express my deep concerns over this matter -- concerns that were heightened yesterday when the Nuclear Regulatory Commission (NRC) reported discovering on June 20 a crack in an emergency cooling water pipe in Unit 1.

As Governor, I have a deeply felt responsibility for both the physical and psychological security of the citizens of this Commonwealth. Therefore, I am advising you of my strong opposition to any plans to reactivate Unit 1 until a number of very serious issues have been resolved.

Specifically, I urge you to effect the indefinite postponement of consideration of any such request, formal or otherwise, until I, as Governor, have been satisfied that:

*The President's Commission on Three Mile Island and other official investigations into the causes of the accident have been fully completed and their findings fully disclosed.

*The Babcock & Wilcox reactor design flaws which may have contributed to the accident in Unit 2 have been fully discovered and corrected in Unit 1.

*Allegations of human errors in the accident have been resolved; and that training of operating and management personnel has been upgraded, in recognition of the fact that the same set of operating technicians who manned Unit 2 may be manning Unit 1.

*Questions about the wisdom and safety of operating Unit 1 next to the severely crippled Unit 2 (containing lethal levels of radioactivity in the containment) have been answered.

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*The psychological health of Central Pennsylvania's residents, who have already been subjected to an unprecedented trauma, won't be adversely affected by the reopening.

To this end, I have directed the Pennsylvania Department of Justice to be prepared to petition, under NRC rules, for a suspension of Metropolitan Edison's license to operate Unit 1, and to be prepared as well to take whatever legal actions may be necessary to prevent the reactivation of Unit 1.

I am not unmindful of the considerable costs which are being incurred by the utility in the purchase of replacement power due to the inactive state of Unit 1. However, I believe that the considerations of human safety and security which I have expressed must at this time transcend those of economic costs to the utility.

It is my sincere hope that these courses of action will not be made necessary. Again, I ask you to use whatever authority you may possess to delay consideration of any request to reactivate Unit 1 until these concerns have been addressed.

Sincerely,

Dick Thornburgh
Governor

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Station, Unit No. 1)) (Restart)

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